

REMARKS/ARGUMENTS

Claims 12, 15-17, 19, 20, 25, and 28-30 are currently pending in the application. Claim 12 has been amended to included claim 14. Claims 1-11, 13, 14, 18, 26, 27, and 31 are canceled or previously canceled, without prejudice or disclaimer. No new matter has been added.

Claims 15-17, 19, 20, 25, and 28-30 are indicated as withdrawn. However, in view of the amendment to claim 12, rejoinder of these claims is requested.

Applicants wish to thank the Examiner for withdrawing the previous rejection under 35 U.S.C. § 103(a).

Reconsideration of the pending claims of the present application is requested in view of the following remarks.

Rejection under 35 U.S.C. § 103

The rejection of claims 14, 22, 24 and 27 under 35 U.S.C. § 103(a) as obvious over Gaggar et al. (US 7,135,233) in view of WO 2001/083574 to Breulmann is traversed.

Applicants point out that Gaggar et al. is not available as a prior art reference under 35 U.S.C. § 102 or §103. In particular, the priority date of the present application antedates the effective filing date of the reference.

The present application is a U.S. National Stage Application under 35 U.S.C. § 371 of PCT/EP2003/006513 (WO 2004/000935), filed June 20, 2003, which claims priority from DE 102 28 376.1, filed June 25, 2002.

Gaggar et al., on the other hand, was filed as a U.S. application on October 20, 2003.

Therefore, the rejection should be withdrawn.

In light of the above remarks, Applicants submit that the application is in condition for allowance. Favorable reconsideration is respectfully requested.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00006-US from which the undersigned is authorized to draw.

Dated: December 29, 2008

Respectfully submitted,

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